

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

CLARENCE LEWIS ODOM, # 276580,)	C.A. No. 8:05-482-TLW
)	
Petitioner,)	
)	
vs.)	WRITTEN OPINION AND ORDER
JON OZMINT, SCDC DIRECTOR; AND)	
HENRY MCMASTER, ATTORNEY)	
GENERAL FOR SOUTH CAROLINA,)	
)	
Respondents.)	
)	
)	

In this *pro se* case, the petitioner, who is presently incarcerated within the Perry Correctional Institution of the South Carolina Department of Corrections, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In his petition, the petitioner alleges that he is being inordinately delayed a hearing on his state application for post-conviction relief. The respondents deny these allegations and have filed a motion for summary judgment. The petitioner has filed a memorandum in opposition to this motion.

This matter now comes before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bruce H. Hendricks, to whom this case had previously been assigned. In her Report, Magistrate Judge Hendricks recommends that the respondents’ motion for summary judgment be granted and that the instant petition be dismissed. As reasoned by the Magistrate Judge:

The petitioner’s request for an order compelling his PCR hearing, however, is not cognizable under Section 2254 but, instead, is in the nature of mandamus...the Court certainly lacks “authority to issue a writ of mandamus directing a state court or its judicial officers in the performance of their duties,” including the compulsion of a PCR hearing.

Notably, the plaintiff has not filed any objections to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As stated above, no objections have been filed to the Report. In the absence of

objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). As well, it is reasonable to conclude that the plaintiff agrees with the Report and the recommendations contained therein.

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is **ORDERED** that the respondents' motion for summary judgment is **GRANTED** and the instant petition is **DISMISSED**.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten

United States District Court Judge

December 7, 2005
Florence, South Carolina